



PLANNING AND DEVELOPMENT BOARD MEETING MINUTES

March 19, 2012

Full Members Present:

Joyce Moss, Chair
Scott Wolf, Vice Chair
David Banash
Leslie Burg
Doug Sweet

Alternate Members Present:

Eunice Kim

Setti D. Warren
Mayor

Staff Present:

Eve Tapper, Chief Planner – Current Planning
Alice Walkup, Community Development Senior Planner

Candace Havens
Director

Planning & Development
Ex-Officio Member

Guests Present:

Alderman Susan Albright
Alderman Deb Crossley
Alderman Ted Hess-Mahan
Philip Herr
Ron Mauri
Bill Renke
Tom Rezendes

Anne Marie Belrose
Community Development
Manager

Members

Joyce Moss, Chair
Scott Wolf, Vice Chair
David Banash, Treasurer
Leslie Burg, CPC Liaison
Tabetha McCartney
Doug Sweet
Eunice Kim, Alternate

Presentation Materials:

Riverside Station Area Map

Materials:

Special meeting agenda
Public Hearing Notice for Joint Hearing with Zoning & Planning Committee
Working Session Memorandum for February 27, 2012
Public Hearing Memorandum for March 22, 2012
Timeline for meetings on Riverside

J. Moss started the meeting at 7:08 pm, with L. Burg, D. Sweet, D. Banash, and S. Wolf present. Members discussed their past attendance at Zoning and Planning Committee (ZAP) working sessions, and J. Moss wanted an opportunity for members to understand the potential rezoning before them. She also wanted to discuss the Planning and Development (P & D) Board's role in the hearing process. E. Kim joined the meeting. The P & D Board's 21-day period of action starts when it closes its joint hearing with the ZAP Committee (March 22, 2012), and there is an option to keep the hearing open after that date. If the ZAP Committee votes at their working session on March 26, 2012, the full Board of Aldermen cannot vote until the P & D Board submits its input, if submitted within the 21-day time period. Board members agreed that there is an opportunity for input. If the P & D Board closes its hearing, the Board can set a meeting, with proper notice, to discuss the Board's input into the rezoning.

1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

J. Moss asked for input in the way to structure the night's discussion. S. Wolf mentioned that he lived in Lower Falls for approximately seven years and has had insight into the neighborhood concerns regarding the project, which are primarily: 1) access from Route 128, 2) impact on the schools, and 3) traffic on Grove St. Members discussed the impact of potential access from Route 128 on the site, and how that could change the scale of the project, and could alter the traffic impact on Grove St.

D. Sweet asked about the law department's input on the impact of the development on the schools. J. Moss said that impact studies come at the special permit stage. P. Herr said that there is case law that addresses this issue and the City is aware of the challenges in considering the impact of development on schools. Members discussed the impact studies and peer review process to take place at the special permit step in the process, and if there will be consequences if the requirements regarding impact are not met appropriately. Members also discussed the criteria of the special permit that the fiscal impact of the project be positive. D. Sweet asked why such detailed criteria are included in the zoning consideration instead of the special permit, and D. Banash said that is how it has been presented and offered for this consideration, and provided some examples of what makes this situation unique, including access to the Charles River and Route 128, and contrasted it with the Chestnut Hill Shopping Center project. D. Banash spoke on the Tier 2 issue, and L. Burg noted that Tier 2 allows more flexibility, but is likely impossible based on the lack of state interest in providing direct access to Route 128.

The Board then turned its attention to the specifications discussed in the Public Hearing Memorandum for March 22, 2012, such allocation of uses, square footages, and dwelling units, as well as the lot lines and parcel size, setbacks, and phasing of development. J. Moss thought that there had been required open space, and P. Herr said it was allowed by right, and members discussed whether the zoning adequately incorporates open space. P. Herr suggested compiling a list of topics on which the Board members need more information.

S. Wolf asked a question regarding the setbacks regarding state-owned or state instrumentality property, regarding if setbacks are not required along the railroad, river, and Route 128 for non-residential property. There was a discussion of which entity owns the property along the river, and whether this parcel abuts the river property.

P. Herr spoke about the 225,000 square feet allotted to office space, and said that some of that space could be dedicated to parking if it is above ground, describing how Newton zoning requires counting parking above ground towards office space, unless 1/3 of the parking is underground. J. Moss described how the amount of office space has changed over time, primarily with reductions in square footage, and her concern is that half of the office space now may be for parking, and the question was added to the list.

J. Moss asked about how the special permits can modify the project, and how the impact tests can affect approval of the project. She asked what would be the consequences if the mitigation measures are not effective in ameliorating an impact. She provided the example of traffic problems and mitigation efforts, and P. Herr said that transportation is well-covered by the zoning and impact

analysis requirements, and it requires that traffic be no worse than what it is before the project. D. Sweet asked how the condition is determined and P. Herr mentioned that tests include level of service, volume, and delay tests, and described how transportation management strategies might be mitigation efforts that are utilized to bring the project into compliance with being no worse than the status quo.

J. Moss asked about the Mixed Use element as described in the Comprehensive Plan, and how this zoning meets those criteria, particularly in regards of public space. S. Wolf asked if the Board wants to consider whether this parcel should be re-zoned. D. Sweet asked if the Board should support development this in the area, and P. Herr said that the Board supported approval of the Comprehensive Plan, which identified the Riverside location as a place for development. L. Burg expressed concern that the zoning is too restrictive. J. Moss suggested saving this conversation for after the public hearing. D. Sweet asked if P. Herr thought this zoning too restrictive, and P. Herr responded that he found this zoning responds well to concerns raised by the ZAP Committee, and that the scale of this project has been well-vetted, but larger scale development has not been given in-depth attention.

J. Moss described a challenge in finding a section 30-15(v), and members attempted to find the answer, but it was decided to ask E. Tapper when she comes.

D. Banash said that the site may not have access to the Charles River, and even though that is one of the benefits noted in the special permit section of the zoning. J. Moss noted that Alderman Hess-Mahan joined the meeting. J. Moss asked Alderman Hess-Mahan if the location of the site had been determined, and he said that it would be best to ask C. Havens that question. Regarding access to the river, he said that Department of Conservation and Recreation (DCR) and the Conservation Commission are disinclined to give access to the river, expressing environmental concerns, and also said that providing safe access may be challenging and could require the construction of boardwalks. D. Banash raised that access to the river is part of the special criteria and whether it should be included, or altered to enable access if appropriate entities give approval. D. Sweet mentioned the effort to turn the train trestle into a path that might connect the Lower Falls neighborhood to bike and pedestrian paths up and down the river.

D. Banash also raised whether or not the site will be transit-oriented or transit-adjacent, and is the full potential explored to make it transit-oriented, through the zoning. He also brought up the topic of shared parking, and he expressed concern that the zoning language does not adequately address reducing the number of auto trips. J. Moss read language as part of the special permit criteria that addresses transportation demand management (TDM). L. Burg said that she thought the TDM language is standard, and D. Banash asked if that language goes far enough. J. Moss asked P. Herr if he felt the language was appropriate and he said that it was. D. Sweet raised the issue of parking in Newton Centre and that supports employees parking there, rather than using public transit to get there.

E. Tapper joined the meeting and began by addressing the question of the site boundaries. She said that the purpose statement language describes the site, and that concerns were raised initially that

it might be spot zoning, which the law department said it was not. She said that the rezoning is intended as a text amendment and does not have a map to correspond with it, but the boundaries will be established when a development proposal is reviewed by the Land Use Committee. J. Moss then asked about access to the river, and E. Tapper said that she visited the site and she delineated the various ownership areas for the MBTA, DCR, and Massachusetts Department of Transportation. She said that DCR controls all the land adjacent to the river, and that the MBTA will help the developer and the City work with DCR to get access to the river. She described an informal trail that exists at the river, which may or may not be a permitted path. The better access to the river for active river recreation is across the river, where a park for such activity already exists.

D. Sweet asked about turning the trestle into a trail, and E. Tapper said that there is interest in that, but details have not been determined for the trestle concept. J. Moss asked about direct access from Route 128, and E. Tapper said that it depends on what is considered direct access, and that challenges may come in actual engineering and in garnering strong support from MassDOT. She also mentioned that drivers may find alternative ways of getting to the site cheaper and faster than using Route 128.

J. Moss asked the question regarding whether parking will be counted as part of the 225,000 square feet dedicated to office space, and E. Tapper said that that square footage would be dedicated to office space (as in desks), which the FAR would include parking structures in its calculation and she said that staff would clarify this issue, since its description in the text is unclear. E. Tapper also provided guidance regarding 30-15(v): that it will be added, but will be amended through approval of Tier 2.

J. Moss raised the question of special permit requirements and making mitigation measures operational. E. Tapper described, in the context of traffic studies, that the goals of the mitigation measures are met, and that the Department of Inspectional Services will make this determination. E. Tapper says that the study may take place a year after full occupancy, unless the development is not meeting goals earlier. J. Moss asked how tenants would be included in mitigation strategies, and E. Tapper described the committee that would be established and responsible for ensuring that the development is meeting its obligations.

D. Sweet asked if the impact on neighboring village businesses has been explored, and E. Tapper said that it had not at this point, but felt that the type of businesses would not be destination retail and may be different from what is in the villages. She also said that such an issue could be explored through impact analysis, if desired. L. Burg said that the amount of retail is so limited that it likely would not have an impact.

J. Moss asked what would draw people to the site from outside of Newton, and E. Tapper said that people would likely work there, people may want to hike by the river. J. Moss asked about community space and E. Tapper said it was the intention to include open space. D. Sweet asked where Grove St. would be widened and E. Tapper hadn't seen the latest plans on that. Aldermen Hess-Mahan asked about the ownership of the site, and saying that one version he had seen had

included Hotel Indigo land, although several attendees indicated that this version does not. He said that language should be included that addresses this issue.

Alderman Crossley asked about the accessory uses that are intended only for own office exclusively, which could include a cafeteria or perhaps a health club, for residential uses, and she is concerned that the square footage for those elements could come from the 20,000 square feet for retail. Aldermen Hess-Mahan raised whether there could be a change of use over time. E. Tapper said that while the City has advocated for vertical integration, this developer has not expressed interest in pursuing that type of development. The development caps of different land uses present a challenge in addressing accessory uses, but an overall cap might better address this concern.

J. Moss asked if any other questions needed to be asked, when none were asked, she thanked everyone for their attendance and reminded attendees that March 22nd public hearing begins at 7:15 pm. The meeting was adjourned at 9:23 pm.

Respectfully submitted,

Anne Marie Belrose
Community Development Manager